

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Patent Application

Applicant : William Taylor  
Application No. : 10/045,250  
Filed : 11/07/2001  
Title : METHOD OF PLAYING AND PAYING GAMBLING GAMES  
Technology Unit : 3711  
Examiner : Layno, Benjamin  
Attorney Docket No. : 4990a-Taylor

Mr. Benjamin Layno  
United States Patent and Trademark Office

**RESPONSE AND AMENDMENT**

Dear Mr. Layno;

The applicant sincerely thanks the Examiner for his efforts in this matter, and especially thanks the Examiner for the Examiner's consideration of the arguments earlier provided.

Please amend the above referenced patent application as follows.

**AMENDMENTS IN THE CLAIMS**

Amendments to the claims are included in a separate paper.

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| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10 / 045,250          |
|   | Filing Date            | 11/07/2001            |
|   | First Named Inventor   | William Arthur Taylor |
|   | Art Unit               | 3711                  |
|   | Examiner Name          | Layton, Benjamin      |
|   | Attorney Docket Number | 4990a-Taylor          |
| Total Number of Pages in This Submission  |                        | 14                    |

| ENCLOSURES (Check all that apply)  |  |  |
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| Remarks  |  |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                     |          |       |
|--------------|---------------------|----------|-------|
| Firm Name    | Barber Legal        |          |       |
| Signature    | <i>Craig Barber</i> |          |       |
| Printed name | Craig Barber        |          |       |
| Date         | 06/09/2006          | Reg. No. | 39102 |

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|-----------------------|---------------------|--------------|----------|
| Signature             | <i>Craig Barber</i> | Date         | 06/09/06 |
| Typed or printed name |                     | Craig Barber |          |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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It is believed that no new matter is presented in the amended claims. In particular, references to the conventional rules of Blackjack and 21 type games may be found on page 1 of the Disclosure as originally filed, reference to a paytable based upon combinations of symbols may be found at page 5, lines 91-92, reference to the paytable for the Blackjack game, including at least three different payback multiples, the fact that the payback is based upon the player's total point value, and arrangements of which outcomes pay greater multiples, all may be found in Figs 2, 3 and 4. Terms such as "player point total" may be found on page 1 and on page 2, line 24 of the Disclosure, as may references to the dealer, the dealer's hand, a standard 52-card deck of playing cards (page 1, line 13),

## RESPONSE

The Examiner has located prior art dealing with video Poker and 21 games having "pay tables" and "bonus games". However, the present invention teaches a game in which the valuation of the player's cards in a 21 game determine the player's pay out, which feature is not shown in the prior art cited to date. In addition, variations on the game mechanics of the present invention are also not shown by the prior art to date.

Claims Rejections Under 35 USC Section 102 or 103, Paragraphs 1 through 4 of the Office

Action dated Jan. 31<sup>st</sup>, 2006.

The Examiner presently rejects claims 16 and 19 through 34 over UK Patent No. GB

2106685 B to Kennedy alone or in the alternative, in combination with the game "Pontoon" described in Scarne's Encyclopedia of Games.

The '685 reference to Kennedy teaches a video slot machine which allows reels to match in various winning and losing combinations. In one particular combination, the game allows the player to play a secondary video game (commonly called a "bonus" game in the industry), apparently including the game "Pontoon". As described by Scarne's Encyclopedia, Pontoon is a 21 or Blackjack variant in which the player's payout depends upon the number of cards the player holds.

However, the claims as presently amended teach a game in which the payout to the player does not depend upon the number of cards the player holds, nor upon the total pips (points) of the cards of the dealer. The present invention teaches a bonus 21 game in which the payout depends upon the point total of the player's cards. Thus, Pontoon does not disclose this aspect of the present invention, either alone or in combination with the '685 reference.

For these reasons, the applicant respectfully urges that claims 16 and 19 through 34 and claims dependent thereon are in condition for allowance and such action is respectfully requested.

Claims Rejections Under 35 USC Section 103, Paragraph 5 of the Office Action of January 31<sup>st</sup>, 2006

The Examiner presently rejects claims 17 and 18 as lacking "non-obviousness" over a combination of the '685 reference in view of Webb, US Patent No. 5685774. However, the '774

reference teaches a three-card draw poker game on a slot machine rather than a 21 game in which the player's pay out is determined by the valuation (points or pips) of the player's cards. Since the '685 reference and the Scarne's reference also fail to disclose a 21 game pay out based upon value of the cards, the applicant respectfully urges that claims 17 and 18 are in condition for immediate allowance and such action is respectfully urged.

Claims Rejections Under 35 USC Section 103, Paragraph 6 of the Office Action of January 31<sup>st</sup>, 2006

The Examiner presently rejects claim 35 as lacking "non-obviousness" over a combination of the '685 reference in view of Miller, US Patent No. 6450500. The applicant has presently cancelled claim 35, however, a discussion of this issue is NOT moot, as the difference between the '500 reference in combination with other references and the present invention's claims as presently presented should be clarified.

This '500 reference teaches a 21 game in which the player's payout depends upon the dealer's card value rather than a 21 game in which the player's pay out is determined by the valuation (points or pips) of the player's cards. **To contrast these two different approaches the Examiner is respectfully urged to very carefully consider the table found at columns 3 and 5 (the same table) of the '500 reference.** The column down one side states, "If the player beats", which is a phrase deceptively similar to the words "If the player holds". However, the top of the next column uses the words "Dealer Total" and thus it may be seen that in the '500 reference, it is the **dealer's** card totals which matter, not the dealer's cards.

Turning to the present invention, the Disclosure originally filed, at page 16, lines 227 through 232 states that the game may pay an inordinate return for beating the dealer with a player point score of 16, and references Fig. 4. Turning to Figs. 2 through 4, we see the words "HAND" "Beat the Dealer with a point score of 16". In other words, the player must hold the point scores shown (4 through 16, 16, 17, etc) and beat the dealer, it is not a reference to "beat the dealer's hand of 16".

The Examiner is very respectfully urged to review the previous paragraph as the difference in terms of the game mechanics is significant, but the description in words may be easily confused.

Since the '685 reference, and the '500 reference, and the Scarne's reference as well, all fail to disclose a 21 game pay out based upon value of the player's cards, the applicant respectfully urges that all outstanding claims are in condition for immediate allowance and such action is respectfully urged.

Claims Rejections Under 35 USC Section 112, Paragraphs 7, 8 and 9 of the Office Action of January 31<sup>st</sup>, 2006

The examiner presently rejects claims 20-23, 26-29 and 33-35 for omitting steps in between "activating a game" and "receiving payments based upon point scores". The claims presented have been substantially re-written to indicate that cards have point values, the presence of a dealer and so on. The terms "lower point score" and "higher point score" have been substantially clarified.

For all the foregoing reasons, applicant respectfully urges that the application is now in

condition for immediate allowance, and such action is requested. The Examiner is respectfully urged to contact applicant's counsel, Craig W. Barber, PO Box 16220, Golden, Colorado, 80402-6004, 303-278-9973, fax 303-278-9977, with any questions or comments.

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Signed: 

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